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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Melvin S. MOGIL

Serial No.: 09/859,451

Filed: May 18, 2001

For: DIVIDED INSULATED CONTAINER

Group Art Unit: 3727

Examiner: J. Pascua

Atty. Docket No.: 100570-00018

SUBMISSION OF TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents
Washington, D. C. 20231

June 10, 2002

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

A check in the amount of Fifty-Five Dollars (\$55.00) to cover the cost of the fee is attached. In the event that this check is found to be insufficient, or if any additional fees are due with respect to the filing of this paper, please charge Deposit Account Number 01-2300.


06/12/2002 TGEDAMU1 00000002 09859451

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55.00 OP

Respectfully submitted,

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Enclosures: Check # 341239
Terminal Disclaimer Under 37 C.F.R. 1.312(c)

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Washington, D. C. 20231

Sir:

The Petitioner, California Innovations Inc., having its place of business at 4211 Yonge Street, Suite 610, Willowdale, Ontario Canada M2P 2A9, represents that it is the assignee and owner of all rights, title and interests in and to U. S. Patent Application Serial No. 09/859,451 filed May 18, 2001 for Divided Insulated Container which is a continuation application of Application No. 09/323,202, filed June 1, 1999, which is a continuation-in-part of Application Serial No. 09/199,287, filed November 25, 1998, by way of an Assignment recorded on June 1, 1999, at Reel 10016, Frame 0842 and to U.S. Patent No. 6,234,677 B1 issued May 22, 2001 (filed as Application No. 09/323,202 on June 1, 1999), by way of an Assignment recorded on June 1, 1999 at Reel 10016, Frame 0842.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on Application No. 09/859,451 which would extend beyond the expiration date of Patent No. 6,234,677 B1, and hereby agrees that any patent so granted on Application No. 09/859,451, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to Patent No. 6,234,677 B1, this agreement to run with any patent granted on Application No. 09/859,451, and to be binding on its grantee, its successors, or assigns.


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Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,234,677 B1 in the event that it later, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or in part, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of Petitioner, California Innovations Inc., hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the Petitioner.

Respectfully submitted,

CALIFORNIA INNOVATIONS INC.


Charles M. Marmelstein
Attorney for Petitioner

Date: 6/10/02